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Paper No. 17

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MAIL

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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

In re Application of:	)	
Peter G. BROWN	)	
Application No.: 09/100,088	)	
Filed: June 19, 1998	)	
For: METHOD AND COMPUTER	)	<b>DECISION ON PETITION UNDER 37</b>
PROGRAM PRODUCT FOR	)	<b>C.F.R. § 1.181 TO WITHDRAW</b>
SIMULATING SOLUTION	)	<b>HOLDING OF ABANDONMENT</b>
PREPARATION IN	)	
BIOPHARMACEUTICAL BATCH	)	
PROCESS MANUFACTURING	)	

This is a decision in response to the petition under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment, filed January 2, 2003.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file an appeal brief on or before March 3, 2002. A Notice of Abandonment was mailed on December 16, 2002.

In support of the petition, Petitioner provides copies of the Request for Continued Examination (RCE) filed on February 4, 2002 and the post card listing RCE transmittal and petition for extension of time under 37 CFR 1.126(a) with a USPTO stamp indicating receipt at the USPTO on February 4, 2002. A check for the extension of time and the requisite RCE of \$1350.00 was posted to the application on February 5, 2002.

The original RCE, acknowledged as having been received in the USPTO on February 4, 2002, is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

Petitioner has established that a timely RCE was filed and the Abandonment was the result of Office error in not matching the RCE to the application file.

For the above stated reasons, the petition is **GRANTED**. The Notice of Abandonment is vacated.

Since the petition under 37 CFR 1.181 requires no petition fee, the \$130 petition fee will be credited to the Deposit Account No. 19-0036.

The application file is being forwarded to the Technology Center support staff for processing of the RCE and for crediting \$130 to the Deposit Account No. 19-0036. The file will then be forwarded to the Examiner for appropriate action.



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